



*City of Davis/Unitrans
Disadvantaged Business Enterprise Plan
Per 49 CFR Part 26*

*For the
Federal Transit Administration*

*Unitrans
One Shields Avenue
Davis, California 95616-8759*

August 2017

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Unitrans DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

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UNITRANS
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

INTRODUCTION

The City of Davis (City) is a recipient of federal transit funds. The University of California at Davis (University) on behalf of Unitrans, a unit of the University, is the sub-recipient of the grants which partially fund Unitrans' capital projects and operating costs. For each FTA grant, a contract exists between the University and the City, which passes the federal grant requirements on to the University. Throughout this document, "Unitrans" refers to the University acting as the sub-recipient to the City of Davis on behalf of Unitrans, a unit of the University.

Policy Statement (§26.1, 26.23)

Unitrans, on behalf of the City of Davis, has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations published under U.S. Department of Transportation (U.S. DOT) Title 49 CFR Part 26. The City receives Federal financial assistance from the Department of Transportation, Federal Transit Administration (FTA), and as a condition of receiving this assistance, the City has signed an assurance that it will comply with 49, CFR Part 26.

It is the policy of Unitrans to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. This Policy serves to outline specific actions, which will be taken by Unitrans to create a level playing field and foster equal opportunity in all federally funded contracting opportunities.

It is also our policy to:

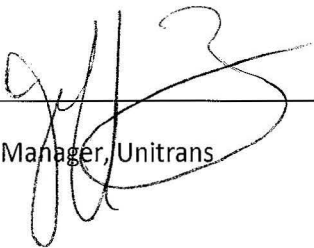
1. Provide a level playing field by which DBEs can compete fairly for and perform in DOT-assisted contracting opportunities.
2. Ensure non-discrimination in the award and administration of all DOT-assisted contracts and subcontracts.
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law and current legal standards, including the Ninth Circuit Ruling in *Western States Paving vs. Washington State Department of Transportation*.
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
5. Help remove procurement and contracting barriers, which impede DBE participation.
6. Monitor and enforce contractor's compliance in meeting established goal objectives and program requirements, including pre- and post-award good faith efforts criteria.

7. Assist in the development of DBEs to increase their ability to compete successfully in the market place outside the DBE Program.
8. Ensure Unitrans' contractors and subcontractors take all necessary and reasonable steps to comply with these policy objectives.

As evidence of Unitrans' commitment to pursue these objectives, the Assistant General Manager for Administration (AGMA) has been delegated as the DBE Liaison Officer. In that capacity, the Unitrans AGMA is responsible for implementing all aspects of the DBE program and has direct access to the General Manager for DBE related matters. Implementation of the DBE Program has the same priority with all other legal obligations incurred by Unitrans within its financial assistance agreement with the U.S. DOT. Unitrans will continue to carry out this Program until all funds from U.S. DOT financial assistance have been expended and will provide to U.S. DOT updates representing significant changes to the Program as necessary.

Unitrans has disseminated this policy statement to the City of Davis and all of the components of our organization. As part of our outreach process, we distribute this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

Through such efforts, Unitrans will ensure U.S. DOT-assisted contracting and procurement related processes promote equity in access, consideration and opportunity for DBEs in response to requirements set forth at 49 CFR Part 26; Participation of Disadvantaged Business Enterprises in U.S. DOT Programs, effective March 4, 1999 and subsequently issued U.S. DOT Directives and Federal Registers.



General Manager, Unitrans



Date

Objectives (§ 26.1)

The objectives are found in the policy statement on the first page of this program.

Applicability (§26.3)

The City is a direct recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the TEAS-21, Pub. L. 105-178. As a condition of funding assistance, and in accordance with federal regulations published at 49 CFR Part 26, Unitrans, on behalf of the City, is required to submit for approval, to the Federal Transit Administration, a DBE Program developed in accordance with federal regulations published under 49 CFR Part 26 and subsequent guidance. This DBE Program sets forth the policies and procedures to be implemented by Unitrans to ensure that DBEs have an equitable opportunity to participate in Unitrans' U.S. DOT-assisted contracting opportunities.

In direct response to these legislative requirements, Unitrans hereby establishes a DBE Program, which will:

1. Comply with federal regulations and financial assistance agreements;
2. Meet legal standards for unique and narrow program tailoring;
3. Ensure non-discrimination in the award of U.S. DOT-assisted contracts; and
4. Reaffirm our commitment to fairness and the principles of equal opportunity.

In the event of any conflicts or inconsistencies between the Regulations and the Unitrans DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail.

Unitrans is currently implementing its DBE Program and corresponding Overall Agency Triennial DBE Goal utilizing strictly race-neutral measures.

Unitrans is also effectively complying with directives and guidance received from U.S. DOT, specifically notices issued on March 23, 2006 and August 21, 2006 as a result of the Ninth Circuit ruling in *Western States Paving vs. Washington State Department of Transportation* requiring recipients to utilize strictly race-neutral measures.

Definitions (§26.5)

Unitrans hereby adopts the definitions contained in 49 CFR Part 26.5 for this program.

Non-discrimination Requirements (§26.7)

Unitrans will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, Unitrans will not, directly or through contractual or other

arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements (§26.11)

Uniform Report of DBE Awards or Commitments and Payments: 26.11(a)

Unitrans will report DBE participation on a semi-annual basis (June 1 and December 1) each year, using the Uniform Report of DBE Awards/Commitments and Payments (Attachment 5). These reports will capture DBE participation for U.S. DOT-assisted for contracts awarded and actual DBE attainments based on payments made to DBEs on U.S. DOT-assisted contracts that are on-going and closed within the respective reporting period. The June 1 report should include information from October 1 through March 31. The December 1 report should include information from April 1 through September 30.

If the awards and commitments shown on Unitrans' Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

- 1) Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
- 2) Establish specific steps and milestones to correct the problems identified in the analysis.

Bidders List: 26.11(c)

Unitrans will create and maintain a bidder's list consisting of all firms proposing on prime contracts, and subcontracts on Unitrans' U.S. DOT-assisted contracts. For every firm, the following information will be maintained:

1. Firm Name;
2. Firm Address;
3. Firm Status as a DBE or non-DBE;
4. Type of Work of Firm;

Unitrans will maintain the confidentiality of any proprietary information in accordance with applicable California laws. This information will be requested of all bidders.

Assurances (§26.13)

Unitrans has signed the following assurances, applicable to all U.S. DOT assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance (§26.13(a))

Unitrans shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any U.S. DOT assisted contract or in the

administration of its DBE Program or the requirements of the CFR Part 26. Unitrans shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in the award and administration of U.S. DOT assisted contracts. Unitrans' DBE Program, as required by 49 CFR Part 26 and as approved by U.S. DOT, is incorporated by reference in this agreement. Implementation of this Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Unitrans of its failure to carry out its approved Program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: (§26.13(b))

Unitrans will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

DBE Program Updates (§26.21)

Since Unitrans has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Policy Statement (§26.23)

The Policy Statement is elaborated on the first page of this program.

DBE Liaison Officer (§26.25)

The General Manager, while maintaining ultimate responsibility for Unitrans' DBE Program, has designated the Unitrans Assistant General Manager, Administration as the DBE Liaison Officer to implement all aspects of Unitrans' DBE Program. The DBE Liaison Officer has direct, independent access to the General Manager concerning DBE program matters and will be

assigned staff as necessary to fully administer the program in compliance with the provisions of 49 CFR Part 26. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

Unitrans' DBE Liaison Officer is:

Teri Sheets
Unitrans Assistant General Manager, Administration
1 Shields Avenue, Davis, CA 95616
Phone (530) 752-2877 e-mail: agma@unitrans.com

The DBE Liaison Officer is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate personnel.

The DBE Liaison Officer's duties include, but are not limited to the following:

1. Gather, maintain, and report statistical data and other information as required by U.S. DOT.
2. Review third party contracts and purchase requisitions for compliance with this program.
3. Work with appropriate departments to set overall triennial goals.
4. Arrange solicitations, presentation of bids or proposals and determine required quantities, specifications, and proposal delivery schedules, to facilitate a level playing field for DBEs.
5. Remove barriers, which may limit DBE participation by ensuring that Invitation for Bids (IFBs) and Request for Proposals (RFPs) do not contain unduly restrictive requirements.
6. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment, as appropriate) and identify ways to improve progress.
7. Analyze Unitrans' progress toward attainment and identifies ways to improve progress.
8. Participate in pre-bid meetings.
9. Advise the General Manager on DBE matters and achievement.
10. Conduct and coordinate outreach efforts to DBEs and community organizations to provide information of upcoming contract opportunities.

DBE Financial Institutions (§26.27)

Unitrans shall thoroughly investigate the full extent of services offered by banks and/or financial institutions owned and controlled by socially and economically disadvantaged individuals within Unitrans' jurisdiction and make the greatest feasible use of these institutions. Further, it is Unitrans' commitment to encourage prime contractors to use such institutions as well. Please see Attachment 4 for a listing of available DBE financial institutions.

Prompt Payment Provisions (§26.29)

Unitrans will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 working days from the receipt of each payment the prime contract receives from University. The prime contractor agrees further to return retainage payments to each subcontractor within 10 working days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the University. This clause applies to both DBE and non-DBE subcontracts.

DBE Directory (§26.31)

Unitrans makes use of the California Unified Certification Program (CUCP) directory maintained by Caltrans to identify all firms eligible to participate as DBEs. The CUCP DBE Directory is organized according to type of firm specialty, to enable identification of businesses with capabilities relevant to a particular trade, industry or procurement. The CUCP DBE Directory includes the following information for each certified DBE:

1. Name, address and telephone numbers;
2. Type of work/service provided;
3. Contact persons; and
4. DBE certification status.

The CUCP DBE Directory of certified DBE Firms is available online and is revised continuously. It can be assessed on-line at: www.dot.ca.gov/hq/bep.

Overconcentration (§26.33)

Unitrans has not identified that overconcentration exists in the types of work that DBEs perform. However, should Unitrans determine that overconcentration exists in a work classification, Unitrans will obtain the approval of the concerned DOT Operating Administration of its determination and the measures devised to address it the overconcentration. Once these measures are approved, they will become part of the DBE Program.

Business Development Programs (§26.35; Appendix C & Appendix D)

Unitrans acknowledges the role of Business Development and Mentor-Protégé Programs in its DBE Program designed to facilitate meeting the objectives of the U.S. DOT DBE Program. Unitrans may consider enacting such programs in the future to assist DBEs in enhancing their firms' skills and abilities within their respective industries and to successfully compete for contracts.

Monitoring and Enforcement Mechanisms (§26.37)

Unitrans will monitor compliance of U.S. DOT-assisted contracts with the requirements of 49 CFR Part 26 and the DBE Program. Unitrans may impose such contract remedies as are available under federal, state and local law and regulations for non-compliance. Such remedies may include, but are not limited to, withholding of progress payments, contract retention, imposition of liquidated damages, and termination of the contract in whole or in part.

Unitrans will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that U.S. DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the U.S. DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in CFR 49 Part 26.109. Unitrans will also consider similar action under Unitrans' own legal authorities, including responsibility determinations in future contracts.

Complaints relative to Unitrans' DBE Program implementation or other individual complaints may be forwarded to Unitrans' DBELO at:

Unitrans Assistant General Manager, Administration
1 Shields Avenue, Davis, CA 95616

or the U.S. DOT at:

*U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590
Attn: Office of Civil Rights*

Procurement protests related to DBE Program matters/component will be processed accordance with Unitrans' Bid/Proposal protest procedures.

Recordkeeping

Unitrans has developed and maintains a recordkeeping system, which identifies and assesses DBE contract awards and contractor's progress in achieving DBE goals by verifying actual payments made to committed DBEs throughout the performance of the contract, including a running tally of actual DBE attainments. Any areas of identified non-compliance will be subject to administrative sanctions outlined in Section VII-C.

These records serve to document:

- a. Procedures adopted by Unitrans to comply with the U.S. DOT regulations.
- b. Background documentation used to compile FTA reports which include the following data for each contract and subcontract award to a DBE:
 1. Type of contract;
 2. Name and address of each DBE;

3. A current certification file for each DBE credited toward the goal;
4. The dollar amount of each contract and subcontract; and
5. Reports from contractors and supplier(s) with an accounting of actual expenditures to DBEs and the progress to date in meeting their DBE participation commitment.

A DBE may enter into subcontracts whose value may be counted toward its DBE goal. However, where a DBE subcontracts a significantly greater portion of the work than is usual according to industry practice, it is presumed not to be performing a commercially useful function and neither the value of the DBE contract nor lower tier subcontracts may be counted toward meeting the DBE goal. The DBE may present evidence to Unitrans to rebut this presumption.

Prompt Payment

Unitrans shall monitor and enforce contractor's compliance with the prompt payment provisions as well as all other applicable provisions to ensure all contract terms and conditions are fully adhered to. Evidence of payment made to subcontractors must be provided by the prime contractor starting with the second request for payment/invoice. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs. Failure to comply with these provisions or delay in payment without prior written approval from Unitrans will constitute noncompliance, which will result in appropriate administrative sanctions, up to and including withholding of payment to the prime contractor.

It is the contractor's responsibility to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Unitrans or U.S. DOT. This reporting requirement is also extended to any certified DBE subcontractor.

Unitrans may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals the dollar amounts stated in the report of proposed DBE participation at the inception of the contract.

On-Site Performance Monitoring

During the course of the contract containing a DBE goal, Unitrans will conduct on-site monitoring to ensure that work committed to DBEs is actually being performed by the DBEs. This observed work will be reconciled against the DBE subcontractor agreement(s) and the Monthly DBE Subcontractors Paid Report Summary.

Written Certification

To further ensure the integrity of the DBE Program's intent, Unitrans will monitor every contract with a DBE goal, on paper and in the field and will include a written certification that this compliance monitoring effort took place.

Small Business Participation (§26.39)

Unitrans has established a Small Business Element as a supplement to the existing DBE Program, to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors in direct response to regulatory requirements, 49 CFR Part 26.39 “Fostering Small Business Participation” (Federal Register/ Vol. 76, No. 19/ Friday, January 28, 2011/ Rules and Regulations).

Unitrans has incorporated the following non-discriminatory small business element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

- Structuring contracting requirements to facilitate competition by small businesses by requiring prime contractors to specify elements of work that small businesses can perform and to provide subcontract opportunities for those elements to DBEs and other small businesses.
- Organize large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to the City;
- Working with the UC Davis Contracting Services Strategic Sourcing and Small Business Program to develop strategies for structuring procurements to facilitate bids by and awards to small business consortia or joint ventures;
- Letting prime contracts of a size that small businesses can reasonably compete for and perform;
- Refer small and disadvantaged businesses to SBA as a resource for overcoming limitations in bonding and financing;
- Refer small and disadvantaged businesses to SBA as a resource for business development assistance, including but not limited to the following: instructions for preparation of bid specifications; procurement policy procedures and general bid requirements; information on specific reasons for unsuccessful bids through debriefing sessions; instruction on job performance requirements; and referrals to firms who offer advice and assistance through mentor-protégé programs
- Providing outreach and communications programs on contract procedures and contract opportunities to ensure the inclusion of small businesses.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Use of Set Asides or Quotas (§26.43)

Unitrans does not use quotas in any way in the administration of this DBE program.

Overall DBE Goals (§26.45)

The DBE Liaison Officer shall establish an overall triennial goal for the participation of DBEs in all budgeted contracts utilizing U.S. DOT federal financial assistance. Unitrans will perform annual reviews consistent with the prescribed methodology of its Federal-aid contracting program and attainments made towards achieving the goal to determine if adjustments to the overall DBE goal are warranted. The overall goal shall be expressed as a percentage of the total amount of U.S. DOT funds Unitrans anticipates expending within the overall goal period. Unitrans' overall goal represents the amount of ready, willing and able DBEs that are available to participate in contracting opportunities and, is reflective of the amount of DBE participation Unitrans would expect, absent the effects of discrimination. Unitrans intends to meet those goals to the maximum extent feasible through the race neutral measures described herein. Unitrans will further follow accountability mechanisms in instances where Unitrans has failed to meet its overall goal for a given fiscal year. Unitrans will thoroughly analyze why it fell short of meeting its overall goal for a given goal period and establish specific steps and milestones for correcting identified problems so that Unitrans will meet its overall goal in subsequent years. Unitrans will complete and submit its proposed plan to U.S. DOT within 90 days of the end of the fiscal year, as applicable to ensure compliance.

Unitrans will request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by FTA.

Unitrans may perform an Availability Statistical Analysis Disparity Study to determine whether or not discrimination exists within Unitrans' contracting program and the effects therein prior to implementing a race-conscious program or limited race-conscious program. Should the Availability Statistical Analysis and Disparity Study provide evidence that race-conscious measures are necessary to remedy underutilization (substantial disparity) of DBEs, Unitrans may reinstitute the utilization of contract-specific goals to drive DBE participation or further enhance its use of race-neutral measures and strategies should the Availability Statistical Analysis Disparity Study demonstrate "substantial disparity" for only specific groups within the groups presumed to be socially disadvantaged by 49 CFR Part 26. Unitrans may seek a waiver of limited application to implement a race-conscious program and reinstitute contract-specific goals for only those groups of underutilized DBEs (DBEs meeting "substantial disparity"). Race-conscious measures will not be implemented by Unitrans until approval is received from U.S. DOT of its Overall Goal and Waiver request (as applicable).

Methodology for Setting Overall DBE Goals

- *Projecting Federally-Assisted Contract Expenditures for Goal Period*
In conjunction with the preparation and adoption of Unitrans' budget, the DBE Liaison Officer, in consultation with the appropriate divisions and departments responsible for contracting activities, will conduct a thorough analysis of the projected number, types of work, and dollar amounts of contracting opportunities that will be funded, in whole or in part, by U.S. DOT federal financial assistance for the goal period.
- *Establishing a Base Figure*
Once Unitrans defines its contracting opportunities for the goal period, Unitrans will establish a base figure following one of the methodologies, as an initial step in the goal setting process in accordance with 49 CFR Part 26.45.

Unitrans will determine a base figure of relative availability of DBEs by:

1. Calculating the number of DBEs within respective areas of need, as contained within similar local area agencies DBE directories, and dividing it by the number of all comparable representative business firms.
 2. Utilizing the Census Bureau's County Business Pattern database to identify available DBEs within North American Industry Classification System codes.
 3. Comparing the number of firms performing similar work within the same geographic area.
 4. Weighting the resultant figure based on the amount of federal funds Unitrans is projected to award and/or expend on various industries.
- *Adjusting the Base Figure*
As a mandatory second step, Unitrans will adjust the base figure based on other local evidence which Unitrans determines relevant to its market, which may include, but is not limited to:
 1. Demonstrated DBE capacity to perform work on Unitrans' contracting opportunities;
 2. Real market conditions;
 3. Disparity studies conducted within the jurisdiction; and
 4. Other relevant factors, including:
 - (i) The number, types and dollar value of contracting opportunities projected to be financed with federal funds, and, to be awarded during the fiscal year.
 - (ii) The number of willing, ready and capable DBEs available to compete for such contracts.

- (iii) Other recipients' results of goal attainment in similar contracting opportunities and markets, and the reasons for the level of attainment.
- (iv) The methods used by Unitrans to increase DBE participation in U.S. DOT-assisted contracts.
- (v) The demographics and business activity of the geographical area in which Unitrans will solicit bids or proposals.

- *Consultative Process*

Prior to finalizing the overall DBE goal, Unitrans will consult with local minority, women's and general contractor groups and community organizations to obtain feedback on the overall DBE goal and information concerning the availability of DBEs and non-DBEs and the effects of discrimination on opportunities for DBE to compete in Unitrans projects.

Unitrans will publish a notice of the proposed overall goal on the Unitrans website, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Unitrans' principal office for 30 days following the date of the notice, and informing the public that Unitrans and U.S. DOT will accept comments on the goals for 30 days from the date of the notice. See Attachment 2 for the Overall Triennial DBE Goal Methodology.

Unitrans will submit the overall program goal to DOT in accordance with §26.45 (f)(2). The overall goal submission to DOT will include the goal (including the breakout of estimated race-neutral and race-conscious participations, as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process and our responses; and proof of publication of the goal on the Unitrans Website.

Unitrans will begin using our overall goal on October 1 of the specified year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project. Our goal will remain effective for the duration of the three-year period established and approved by FTA.

Unitrans is currently operating a strictly race-neutral DBE Program in accordance with DOT guidance following the Western States Paving decision of the 9th Circuit Court of Appeals. Should Unitrans incorporate a race-conscious DBE Program in the future, the breakout of estimated race-neutral and race-conscious participation to this program will be updated.

Goal Setting and Accountability (§26.47)

If the awards and commitments shown on Unitrans' Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

- 1) Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
- 2) Establish specific steps and milestones to correct the problems identified in the analysis.

Transit Vehicle Manufacturer Certification (§26.49)

Unitrans will require each Transit Vehicle Manufacturer to certify that they have established an overall DBE participation goal that has been approved by FTA before they can bid on any Unitrans contracts. Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base used to calculate Unitrans' goal for DBE participation.

Race- and Gender-Neutral Measures (§26.51)

Unitrans intends to wholly use race- and gender-neutral methods to achieve its overall goal. DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race- and gender-neutral DBE participation. In addition, Unitrans will use the following measures as appropriate:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation.
- Organize large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to Unitrans. Identify components of the work which represent subcontracting opportunities and identify the availability of DBE subcontractors to participate in proportion to total available subcontractors. Contractors will be encouraged to consider subcontractors for components of the work for which there is a known supply of ready, willing, and able subcontractors, including DBE subcontractors, in preparing their bids.
- Refer interested parties to SBA resource for: technical assistance in orienting small businesses to public contracting procedures; use of the Internet; business development assistance; and assistance in bid preparation. Refer interested parties to SBA resource for: assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing).
- Solicit DBEs and other small businesses participation by carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).

- Advise the contracting community of the online directory of certified DBEs, found at www.dot.ca.gov/hq/bep.
- Advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at the following url: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>.
- Maintain a list of sources for information on DBEs. The list will include sources for information on local DBEs that can be obtained from California Department of Transportation and other organizations that maintain DBE information relevant to the Unitrans' procurement needs.
- Obtain information on identifying DBEs who are capable of providing the desired services or products.
- Unitrans encourages participation by DBE firms and by joint ventures between DBE and non-DBE firms in Unitrans contracts and subcontracts to the maximum extent practicable. Unitrans will state this policy in its RFPs and IFBs and will state its willingness to help any non-DBE firm identify DBEs for joint venture or subcontract opportunities.
- The Unitrans will direct DBEs to state and local government agencies that provide technical assistance and other services to facilitate DBE participation in Unitrans contracts and subcontracts.

As Unitrans is currently operating a strictly race-neutral DBE Program, contract goals are not applicable to Unitrans procurements. Should Unitrans, at a future date, incorporate a race-conscious component to its DBE Program, it will then use contract goals to meet any portion of the overall goal Unitrans does not project being able to meet using race-neutral means.

Methodology for Setting Contract-Specific Goals (\$26.51)

The following procedures will be followed in setting contract-specific goals for DBE participation, when necessary, to meet Unitrans' overall DBE participation goal after approval is received from U.S. DOT.

The DBE Liaison Officer shall establish contract-specific DBE participation goals on contracting opportunities to the extent that Unitrans cannot achieve its overall goals with race and gender-neutral measures. Where a contract-specific DBE goal has been established, the proposer must meet the contract-specific goal or demonstrate that they made sufficient good faith efforts to do so. A proposer shall be ineligible for contract award if it does not meet the goal or demonstrate sufficient good faith efforts.

The DBE Liaison Officer will receive an advance notification form for all project/contract needs, with cost estimates and detailed scope of work from the designated Unitrans department.

The DBE Liaison Officer will determine whether a contract-specific goal should be established for the particular contract and, if so required, what the percentage goal should be based upon:

1. The projected portion of the overall goals which will be met by establishing contract-specific goals;
2. The progress toward achieving the overall DBE goal;
3. The full range of contracting activities identified within the proposed contract;
4. The availability of DBEs as prime contractors or subcontractors in the types of work involved in the performance of the proposed contract;
5. The unique conditions of the project which might affect the ability of a contractor/consultant to coordinate utilize or incorporate subcontractors or suppliers into the project.
6. The effect that the contract-specific goal might have on the time of completion; and
7. Any other relevant criteria.

Good Faith Efforts Procedures (§26.53)

Meeting Established Goals (§26.53(a))

In those instances where a contract-specific DBE goal is included in a procurement/ solicitation, Unitrans will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Demonstrating Good Faith Efforts (§26.53(a) & (c))

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

The process used to determine whether good faith efforts have been made by a bidder are as follows: The DBE liaison officer will make the first determination of good faith efforts by reviewing the following documentation and any other information pertaining to the effort made by the bidder/offer:

If a bid does not contain DBE participation in the minimum amount specified in the bid solicitation, then the bidder shall be required to document the steps taken to obtain DBE participation, including, but not limited to the following:

- 1) Attendance at a pre-bid meeting, if any were scheduled, to inform DBEs of subcontracting opportunities under a given solicitation
- 2) Advertisement in general circulation media, trade association publications, and minority-focus media for at least 20 days before bids or proposals are due. If 20 days are not available, publication for a shorter reasonable time is acceptable

- 3) Written notification to DBEs that their interest in the contract is solicited and follow-up contacts with interested DBE firms
- 4) Efforts made to select portions of the work proposed to be performed by DBEs in order to increase the likelihood of achieving the stated goal
- 5) Efforts to negotiate with DBEs for specific sub-bids including at a minimum:
- 6) The names, addresses and telephone numbers of DBEs that were contacted
- 7) A description of the information provided to DBEs regarding the plan specifications and/or contracting requirements for portions of the work to be performed and
- 8) A statement of why additional agreements with DBEs were not reached.
- 9) Concerning each DBE the bidder contacted but rejected as unqualified, evidence of negotiation in good faith, and some reasons for the bidder's conclusion
- 10) Effort made to assist the DBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder
- 11) Documentation of effective use of services of female and minority agencies (i.e. state and local offices) with knowledge of DBE firms.

As part of the review process, the DBELO will determine whether the 2nd and 3rd ranked bidders have met the contract goals, and, if so, how that was achieved. We will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be Submitted (§26.53(b))

Unitrans treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Contractor Good Faith Efforts and Reporting Obligations

On contract-specific DBE goals, during the term of the contract, the contractor shall continue to make good faith efforts to ensure that DBEs have an opportunity to successfully perform in the contract, and that the contractor meets its DBE goal. These efforts shall include, but not be limited to, the following:

- (i.) Negotiating in good faith to attempt to finalize and execute a subcontract agreement with the DBEs committed to in the proposal.
- (ii.) Documenting efforts to seek out and utilize additional DBE suppliers, vendors and DBE subcontractors, when additional subcontractors are necessary and is authorized by Unitrans.
- (iii.) Continuing to provide assistance to DBE subcontractors, vendors and suppliers in obtaining bonding, lines of credit, etc., if required by the contractor.
- (iv.) Notifying a DBE in writing of any potential problem and attempting to resolve the problem prior to formally requesting Unitrans approval to substitute the DBE.
- (v.) Ensuring timely payment of all monies due and owing to DBE subcontractors, vendors and suppliers in accordance with prompt payment provisions.
- (vi.) Alerting Unitrans in a timely manner of any problems anticipated in attaining the DBE participation goal committed to in the proposal.
- (vii.) Reviewing of the contractor's monthly progress reports to determine whether the utilization of DBE firms is consistent with the commitment of the contractor as stated in its bid or proposal.

Administrative Reconsideration (§26.53(d))

In the event that the DBE Liaison Officer determines that the apparent selected contractor has not met the contract-specific goal and has not demonstrated sufficient and substantive good faith efforts, the DBE Liaison Officer will notify the proposer in writing. The notification shall include the reasons for the determination and that the proposer has the right to submit further written documentation or appear before the designated Reconsideration Official, prior to the time that a recommendation for award of contract is announced. Unitrans assures that the Reconsideration Official would not have played any role in the original determination. Proposers requesting reconsideration must make such request in writing to Unitrans. The designated Reconsideration Official shall provide the proposer with a written decision on reconsideration, explaining the basis for its determination.

In the event that the Reconsideration Official finds that the proposer has not met the contract-specific goal, or, demonstrated sufficient and substantive good faith efforts, the DBE Liaison

Officer and/or designee will deem said proposer non-responsive and evaluate the proposer submitting the next qualified proposal.

The result of the reconsideration process is not administratively appealable to U.S. DOT.

Reconsideration Official (§26.53(d))

In instances where race-conscious contract goals are established, and an apparent successful proposer fails to satisfy the requirements for meeting the contract goal, or good faith efforts, Unitrans will provide the proposer, prior to award of the contract, an opportunity for administrative reconsideration. The administrative reconsideration process will be facilitated by Unitrans' Reconsideration Official, the Unitrans General Manager. To ensure integrity in the process, the Reconsideration Official will not have taken part in the original determination relative to the goal or good faith efforts of the subject procurement.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the Reconsideration Official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. Unitrans will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to U.S. DOT.

DBE Substitution and Termination (§ 26.53(f))

If a contractor/consultant requests a substitution of DBE subcontractors or suppliers, the contractor/consultant shall exercise good faith efforts to replace a DBE with another DBE subject to the approval of Unitrans.

Unitrans requires that a prime contractor not terminate a DBE subcontractor without Unitrans' prior written consent. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

Unitrans will provide such written consent only if it agrees, for reasons stated in your concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this section, good cause includes the following circumstances:

- The listed DBE subcontractor fails or refuses to execute a written contract;
- The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;

- The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
- The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- The Prime contractor has determined that the listed DBE subcontractor is not a responsible contractor;
- The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;
- The listed DBE is ineligible to receive DBE credit for the type of work required;
- A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- Other documented good cause that you determine compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to Unitrans its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to Unitrans, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise Unitrans and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why Unitrans should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), you may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

Good Faith Efforts when a DBE is replaced on a contract for Good Cause (26.53(g))

Unitrans will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the same extent needed to meet the contract goal established. Unitrans will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

Substitutions of an approved DBE subcontractor/subconsultant, or changes in any scope of work to be performed by any approved DBE subcontractors/subconsultants must be requested, in writing, by the contractor and must be approved by Unitrans. The contractor shall submit to Unitrans a request for DBE subcontractor/supplier substitution. Unitrans requires that the prime contractor to provide Unitrans with copies of the new or amended subcontracts. If the candidate contractor to be substituted is not a DBE, Unitrans also requires the prime contractor to submit documentation of their good faith efforts.

- *Failure to Secure Prior Approval*

If the prime contractor fails or refuses to comply in the time specified Unitrans may take appropriate actions, including but not limited to those set forth in its Monitoring and Enforcement Mechanisms. Unitrans will include these provisions in all applicable prime contracts.

- *Change in Contract Amount*

The dollar amount of Change Orders or any other contract modifications that increase or decrease the work area in which DBE's participation has been committed to in the proposal, shall be commensurately added to or subtracted from, the total contract base figure used to compute actual dollars paid to DBEs. Revised total contract dollar values shall be reflected in the Monthly DBE Subcontractors Paid Report Summary report (see Attachment 3) submitted to Unitrans.

In the event that the contractor is unable to meet the DBE goal or demonstrate good faith efforts on contracts with contract specific DBE goals, Unitrans reserves the right to assess liquidated damages equal to the difference between the goal amount and the amount of DBE participation. The liquidated damages shall not apply if the contractor is able to demonstrate to the satisfaction of Unitrans that good faith efforts had been made to attempt to meet the goal.

Counting DBE Participation (§26.55)

The DBE Liaison Officer shall require that the DBEs listed by proposers for participation in contracts with goals be certified as eligible DBEs at time of proposal submission in order for their participation to be counted towards meeting the established contract-specific goal for DBE participation.

Unitrans will accept certifications from certifying member agencies of the CUCP, which certifies the eligibility of DBEs in accordance with 49 CFR Part 26.

This will only be applicable if and when Unitrans receives approval from U.S. DOT to implement race-conscious DBE goal setting.

Evaluation of Proposals with DBE Goals

The DBE Liaison Officer shall evaluate all proposals and required information submitted by proposers to determine compliance with DBE provisions and formalize a recommendation for

contract award. This information includes all efforts to either meet or exceed the established DBE goal or documented evidence of good faith efforts to meet the goal.

Counting DBE Participation towards the Contract Goal

This section will address how DBE participation is counted toward Unitrans' DBE goals, once a DBE is determined to be certified and eligible to participate in Unitrans' DBE Program. The following guidelines apply in calculating DBE participation toward meeting established goals in accordance with 49 CFR 26.55:

- a) Only the work actually proposed to be performed by a DBE's own workforces will be counted towards the DBE goal. The cost of supplies, materials and equipment leases obtained by the DBE (except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate) may also be counted toward the DBE goal.
- b) When a DBE subcontracts part of the work of its contract scope to another firm, the value of the subcontracted work may be counted toward the DBE goal, only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm does not count towards the DBE goal. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce.
- c) In instances of joint venture, a proposer may only count toward its DBE goal, the portion of work proposed to be performed by the DBE partnering firm, which meets certification, ownership and control standards.
- d) A proposer may count toward its DBE goal, only expenditures to firms that are proposed to perform a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved.
- e) A proposer may count toward its DBE goal, sixty percent (60%) of its expenditures for materials and supplies required under the contract and obtained from a DBE regular dealer, and, one hundred (100%) percent of such expenditures to a DBE manufacturer. For purposes of this section, a **manufacturer** is a firm that operates or maintains a factory or establishment that produces on the premises the materials and supplies obtained by the contractor. A **regular dealer** is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
- f) A proposer may count towards its DBE goal, fees and commissions paid to DBE firms that are not manufacturers or regular dealers, provided that the fees or commissions are determined to be reasonable and not excessive, as compared with fees customarily allowed for similar services.
- g) Special Provisions for Trucking - A proposer may count towards its goal, all transportation services provided by DBE trucking firms, who can demonstrate control of

trucking operations for which it seeks credit, and, it owns, insures, and operates, using drivers it employs in the performance of the contract. The DBE trucking firm may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE receives credit for the total value of the transportation services which the leasee DBE provides on the contract. The DBE which leases trucks from a non-DBE is entitled to credit only for the fees or commissions it receives as a result of the lease arrangement.

- h) Prime contractors are advised not to count the participation of DBE subcontractors towards the prime contractor's DBE achievements, until the amount being counted toward the goal has been paid to the DBE.
- i) In cases where DBE certification has ceased during the performance period of the contract, the prime contractor will continue to report the dollar value of the work performed to Unitrans on the monthly DBE Paid Report (Form 103), however, Unitrans will not count the participation towards its overall agency goal.

The DBE Liaison Officer will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that is considered race-neutral.

Contractor Reporting Requirements (§26.55)

Notification of Reporting Responsibilities

Prior to execution of all contracts containing DBE goals or contracts with race-neutral DBE requirements, the contractor shall be directed to the contract specification for Unitrans' specific DBE reporting and record keeping requirements.

DBE Activity Reporting Forms

Unitrans will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. For each monthly performance period, the Contractor shall submit a **Monthly DBE Subcontractors Paid Report Summary** (see Attachment 3), by the 15th of the following month. Failure to comply with these provisions by the designated due date, may result in financial penalty of \$500.00 per day beyond the due date, up to a maximum of \$5,000.00 per month.

The Monthly DBE Subcontractors Paid Report Summary includes the following information:

- a. Name of each DBE Subcontractor.
- b. General work assignment of each DBE Subcontractor.
- c. The specific portion of work executed by each DBE Subcontractor during the reporting period.
- d. The dollars committed to each DBE Subcontractor.
- e. The dollars paid to each DBE Subcontractor during the reporting period.
- f. The dollars paid to date for each DBE Subcontractor.

- g. The dollars paid to the DBE as a result of a change order or other cost modification.
- h. The dollars paid to date as a percentage of the total commitment to each DBE.
- i. Date of last progress payment
- j. Invoice amount & Invoice Date
- k. Invoice number corresponding to last payment to subcontractor
- l. Prime Contractor Signature under penalty of perjury that it has complied with all requirements of 49 CFR, Part 26 and prompt payment requirements of the California Public Contract Code.

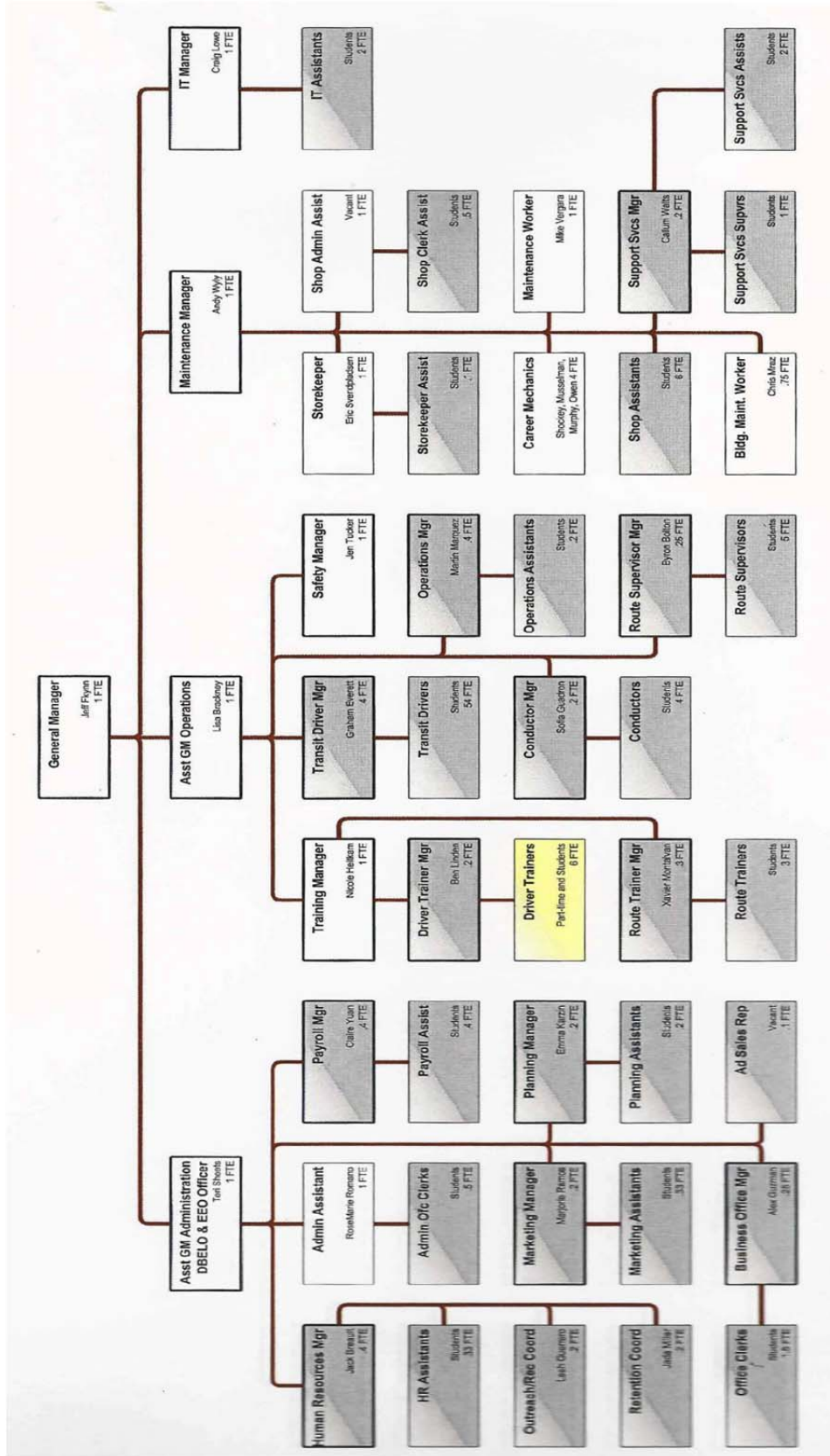
SUBPART D – CERTIFICATION STANDARDS

In accordance with 49 CFR Part 26.81, Unitrans is a non-certifying member agency of the California Unified Certification Program (CUCP). As a non-Certifying member agency of the CUCP, Unitrans will recognize DBE certifications from CUCP Certifying Member Agencies.

ATTACHMENTS

- Attachment 1: Organizational Chart
- Attachment 2: Overall Triennial DBE Goal Methodology
- Attachment 3: Monthly DBE Subcontractors Paid Report Summary
- Attachment 4: List of DBE Financial Institutions
- Attachment 5: Uniform Report of DBE Awards and Commitments

Attachment 1: Organizational Chart



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Attachment 2:

**Overall Triennial DBE Goal Methodology
(Published Under Separate Cover)**

**Disadvantaged Business Enterprise Program
Overall Goal-Setting Methodology**

FFY 2018-FFY 2020



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Attachment 3: Monthly DBE Subcontractors Paid Report Summary



Summary of Disadvantaged Business Enterprise (DBE) – Monthly Subcontractor Payment Report

Reporting Period (Month/Year)			Report Number			Date Prepared	
1) Project Name				2) Project Location			
3) Contract Number		4) Original Contract Award Amount		5) Contract Award Date			
6) Current Contract Value		7) Unitrans Payment to Prime This Month		8) Total Amount Paid to Prime to Date			
9) Date of Last Progress Payment Received from Unitrans		10) Percent of Project Complete		11) DBE Goal Percentage (committed)			
12) Prime Contractor			13) Contact Person				
14) Street Address			15) City/State/Zip				
16) Area Code/Phone No.			17) Email Address				
18) SUBCONTRACTOR/SUPPLIER		Dollars Paid This Month	Dollar Amount Paid to Date	Schedule Activity ID (Construction only)	Type of Work Performed	Original Dollar Amount Committed	Dollar +/- resulting from Change Orders
Subcontractor/Supplier #1							
Name							
Address							
Area Code/Phone							
Contact Person							
Subcontractor/Supplier #2							
Name							
Address							
Area Code/Phone							
Contact Person							
Subcontractor/Supplier #3							
Name							
Address							
Area Code/Phone							

Summary of Disadvantaged Business Enterprise (DBE) – Monthly Subcontractor Payment Report



	Reporting Period (Month/Year)	Report Number	Date Prepared
Contact Person			
Subcontractor/Supplier #4			
Name			
Address			
Area Code/Phone			
Contact Person			
Subcontractor/Supplier #5			
Name			
Address			
Area Code/Phone			
Contact Person			
Subcontractor/Supplier #6			
Name			
Address			
Area Code/Phone			
Contact Person			

INSTRUCTIONS

The Prime shall make prompt payment of all monies due and owed to DBE and non-DBE firms within 10 business days upon receipt of payment from the Unitrans as per Contract Agreement. Payment of retention shall be made to all DBE and non-DBE subcontractors within 10 days after satisfactory completion of the subcontracted work.

This form is due to the University by the 15th of each month and should reflect all payments made to subs through the last day of the previous month.

The Prime must report monthly, even if the sub(s) did not perform any work for the previous month. Please forward signed original documents by email and/or fax.

Completed By:

Name	Signature	Date
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Summary of Disadvantaged Business Enterprise (DBE) – Monthly Subcontractor Payment Report



Reporting Period (Month/Year)	Report Number	Date Prepared
-------------------------------	---------------	---------------

Invoice Payment History

DBE Subcontractors/Suppliers		Sub/Supplier #1	Sub/Supplier #2	Sub/Supplier #3	Sub/Supplier #4	Sub/Supplier #5	Sub/Supplier #6	DBE Sub/Supplier Total
Invoice Numbers	Invoice Date & Date Paid	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$
GRAND TOTAL (Paid to Date)								



Summary of Disadvantaged Business Enterprise (DBE) – Monthly Subcontractor Payment Report

Reporting Period (Month/Year)

Report Number

Date Prepared

Instructions – Monthly Subcontractor Payment Report

SUCCESSFUL BIDDER:

This form requires specific information regarding the Disadvantaged Business Enterprise subcontractors paid on this construction contract.

The form must be completed for all DBEs. The form requires that the Reporting Period (month/year) be included. A Report Number should also be completed. This field should include a sequential number with the first form having number “1”. The date prepared should also be included.

IMPORTANT: Identify **all** DBE firms that were paid during the reporting period for the project, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid.

There is a column for the “Dollars Paid This Month”. Enter the Total amount paid for each DBE firm for the reporting period. Also include the total amount paid to date, which shall include the amount paid for the current reporting period.

Include a brief description for the type of work performed. The original dollar amount committed to the DBE firm should be included in the appropriate Column and any increase or decrease in the subcontract amount resulting from a change order shall be included in the “Dollar +/- resulting from Change Order Activity” column.

This form must be signed and dated by the prime contractor’s representative that is responsible for reporting DBE compliance matters. The form must be submitted no later than the 15th day of each month.

Attachment 4: List of DBE Financial Institutions

Minority Depository Institutions as of December 2016¹.

NAME	LOCATION IN CA	EST. DATE	CERT	CLASS	REGULATOR	MINORITY STATUS	TOTAL ASSETS (\$000)
Broadway Federal Bank FSB	Los Angeles	19470226	30306	SB	OCC	B	426,686
Universal Bank	West Covina	19541117	30722	SB	OCC	A	352,181
Cathay Bank	Los Angeles	19620419	18503	NM	FDIC	A	14,483,815
CTBC Bank Corp USA	Los Angeles	19650427	19416	NM	FDIC	A	2,957,652
Bank Of The Orient	San Francisco	19710317	20387	SM	FED	A	568,347
East West Bank	Pasadena	19720101	31628	SM	FED	A	34,750,506
Community Commerce Bank	Claremont	19761001	26363	NM	FDIC	H	186,973
New Omni Bank National Assn	Alhambra	19800212	23086	N	OCC	A	435,696
California Pacific Bank	San Francisco	19801016	23242	NM	FDIC	A	97,991
Mission National Bank	San Francisco	19820216	23749	N	OCC	A	274,910
United Pacific Bank	City Of Industry	19820511	23805	NM	FDIC	A	122,438
State Bank of India CA	Los Angeles	19820903	23998	NM	FDIC	A	622,694
Hanmi Bank	Los Angeles	19821215	24170	NM	FDIC	A	4,695,776
Bank Of Whittier NA	Whittier	19821220	24211	N	OCC	A	59,866
Metropolitan Bank	Oakland	19830901	25869	NM	FDIC	A	146,937
Eastern International Bank	Los Angeles	19850226	32277	NM	FDIC	A	114,344
Bank Of Hope	Los Angeles	19860318	26610	NM	FDIC	A	13,435,929
Gateway Bank FSB	Oakland	19900608	33103	SB	OCC	A	139,509
Asian Pacific National Bank	San Gabriel	19900725	33013	N	OCC	A	56,059
Preferred Bank	Los Angeles	19911223	33539	NM	FDIC	A	3,223,468

¹ <https://www.fdic.gov/regulations/resources/minority/>

NAME	LOCATION IN CA	EST. DATE	CERT	CLASS	REGULATOR	MINORITY STATUS	TOTAL ASSETS (\$000)
Evertrust Bank	Pasadena	19950503	34010	NM	FDIC	A	853,873
First Commercial Bank USA	Alhambra	19970520	34496	NM	FDIC	A	498,242
Uniti Bank	Buena Park	20011217	57120	NM	FDIC	A	263,113
Pacific Commerce Bank	Los Angeles	20021010	57065	SM	FED	A	539,197
Commercial Bank of CA	Irvine	20030515	57417	NM	FDIC	H	810,695
Pacific City Bank	Los Angeles	20030918	57463	NM	FDIC	A	1,226,671
American Continental Bank	City Of Industry	20031006	57444	NM	FDIC	A	213,336
Commonwealth Business Bank	Los Angeles	20050303	57873	SM	FED	A	913,194
Open Bank	Los Angeles	20050610	57944	NM	FDIC	A	759,597
First Choice Bank	Cerritos	20050818	57966	NM	FDIC	A	863,410
First General Bank	Rowland Heights	20051013	58060	NM	FDIC	A	840,573
California Business Bank	Los Angeles	20051101	58037	NM	FDIC	A	79,667
California International Bank, NA	Westminster	20051130	57974	N	OCC	A	53,552
Us Metro Bank	Garden Grove	20060915	58310	NM	FDIC	A	194,628
Americas United Bank	Glendale	20061106	58360	NM	FDIC	H	232,667
Pacific Alliance Bank	Rosemead	20061227	58234	NM	FDIC	A	273,877
American Plus Bank NA	Arcadia	20070808	58469	N	OCC	A	454,742
Mega Bank	San Gabriel	20080205	58401	NM	FDIC	A	330,019
Royal Business Bank	Los Angeles	20081118	58816	NM	FDIC	A	1,393,564
Total		Count	39				87,946,394

Attachment 5: Uniform Report of DBE Awards and Commitments

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS										
Please refer to the instructions above for directions on filling out this form										
1 Submitted to (check only one): <input type="checkbox"/> FHWA <input type="checkbox"/> FAA <input checked="" type="checkbox"/> FTA - Recipient ID Number										
2 AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):										
3 Federal fiscal year in which reporting period falls: FFY 2017				4. Date This Report Submitted:						
5 Reporting Period:		<input type="checkbox"/> Report due June 1 (for period Oct. 1 - Mar. 31)			<input type="checkbox"/> Report due Dec. 1 (for period April 1 - Sept. 30)			<input type="checkbox"/> FAA annual report due Dec. 1		
6 Name and address of Recipient:										
7 Annual DBE Goal(s):		Race Conscious Projection			Race Neutral Projection			OVERALL Goal		
Awards/Commitments this Reporting Period										
		A	B	C	D	E	F	G	H	I
A	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during the reporting period)	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs /Race Conscious (number)	Total to DBEs / Race Neutral (dollars)	Total to DBEs / Race Neutral (number)	Percentage of total dollars to DBEs
8 Prime contracts awarded this period										
9 Subcontracts awarded/committed this period										
10 TOTAL										
BREAKDOWN BY ETHNICITY & GENDER										
B	BREAKDOWN BY ETHNICITY & GENDER	Contracts Awarded to DBEs this Period								
		A	B	C	D	E	F			
		Total to DBE (dollar amount)			Total to DBE (number)					
		Women	Men	Total	Women	Men	Total			
11 Black American										
12 Hispanic American										
13 Native American										
14 Asian-Pacific American										
15 Subcontinent Asian American										
16 Non-Minority										
17 TOTAL										
Payments Made this Period										
C	PAYMENTS ON ONGOING CONTRACTS (report activity of ongoing contracts)	A	B	C	D	E	F			
		Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs			
18 Prime and sub contracts currently in progress										
D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	E				
		Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs				
19 Race Conscious										
20 Race Neutral										
21 Totals										
23 Submitted By:				24. Signature:			25. Phone Number:			